

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

NGO LOVE, LLC,)
Plaintiff,)
-vs-) Case No. CIV-23-734-F
BERKSHIRE HATHAWAY)
HOMESTATE INSURANCE)
COMPANY,)
Defendant.)

ORDER

The court is in receipt of Defendant Berkshire Hathaway Homestate Insurance Company's Notice of Removal. Doc. no. 1. The alleged basis for the court's exercise of subject matter jurisdiction is diversity jurisdiction, 28 U.S.C. § 1332. *Id.*, ¶ 7.

According to the Notice of Removal, plaintiff NGO Love, LLC is a limited liability company. Thus, its citizenship is determined by the citizenship of all its members. *See, Spring Creek Exploration & Production Company, LLC v. Hess Bakken Investment, II, LLC*, 887 F.3d 1003, 1014 (10th Cir. 2018). However, defendant Berkshire Hathaway Homestate Insurance Company (BHHIC) notes in the Notice of Removal:

Defendant BHHIC has investigated the citizenship of the members of Plaintiff NGO Love LLC and was unable to identify each of Plaintiff's members and the state of citizenship for each member. Plaintiff NGO Love, LLC has further declined to provide said information. *See* Local Rule 7.1.1 Disclosure Statement (requiring that LLC file a separate disclosure statement identifying the LLC's

members and their state of citizenship, but further stating “[t]he court may relieve a party of some or all of the requirements of this rule for good cause.”).

Doc. no. 1, n. 5.

Because defendant BHHIC has been unable to identify each of plaintiff's members and the state of citizenship for each member and plaintiff has declined to provide that information, the court will permit defendant BHHIC to engage in jurisdictional discovery to obtain the information. Defendant BHHIC is reminded that if any member of the plaintiff is itself an artificial entity, defendant BHHIC must trace the citizenship of that member down through however many layers there may be. *See, Gerson v. Logan River Academy*, 20 F.4th 1263, 1269 n. 2 (10th Cir. 2021).

Accordingly, defendant BHHIC is **GRANTED** leave to engage in jurisdictional discovery for the purposes of obtaining the identity of each of plaintiff NGO Love, LLC's members, and the state of citizenship for each member. Defendant BHHIC shall file an amended notice of removal within 45 days from the date of this order, providing the missing jurisdictional information regarding plaintiff NGO Love, LLC.

Failure to comply with this order may result in the remand of this action to state court.

DATED this 18th day of August, 2023.



STEPHEN P. FRIOT
UNITED STATES DISTRICT JUDGE